

STATE OF INDIANA     )  
                                  ) SS:  
COUNTY OF MARION    )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 9322-AG10-0524-104

IN THE MATTER OF:

JEREMY LEE SCHEPERS

Respondent

860 Third Ave.  
Jasper, IN 47546

Type of Agency Action: Enforcement

**FILED**

NOV 05 2010

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

On October 4, 2010, the Administrative Law Judge, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended order and Notice of Filing Recommended Order on Respondent by mailing the same to Respondent's home address.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Respondent has not filed an objection with the Commissioner regarding the Administrative Law Judge's Recommended Order, and more than eighteen (18) days have elapsed.

Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED, by the Commissioner of Insurance:

1. Respondent's Indiana Producer License is permanently revoked.
2. Respondent shall pay a civil penalty in the amount of one thousand dollars (\$1,000.00) within sixty days.

ALL OF WHICH IS ORDERED by the Commissioner this 5<sup>th</sup> day of November, 2010.



Stephen Robertson  
Commissioner  
Indiana Department of Insurance

Copies to:

Nikolas P. Mann, Attorney  
Indiana Department of Insurance  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46240

Jeremy Lee Schepers  
860 Third Ave.  
Jasper, IN 47546

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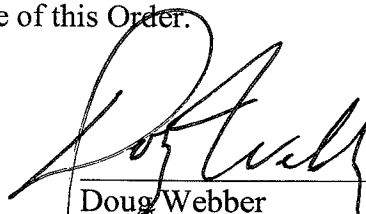
OCT 04 2010

STATE OF INDIANA  
DEPT. OF INSURANCE

**NOTICE OF FILING OF RECOMMENDED ORDER**

The parties of this action are hereby notified that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order are deemed filed as of this date.

To preserve an objection to this order for judicial review, you must object to the order in a writing that: 1) identifies the basis for your objection with reasonable particularity; and 2) is filed with the Commissioner of the Department of Insurance within eighteen (18) days from the date of this Order.



Doug Webber  
Administrative Law Judge

STATE OF INDIANA     )  
                                  ) SS:  
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**FINDINGS OF FACT, CONCLUSIONS OF LAW**  
**AND RECOMMENDED ORDER**

Doug Webber, having assumed the role of Administrative Law Judge (hereafter "ALJ") and having considered and reviewed all of the evidence, will now render a decision in the matter of Respondent Jeremy Lee Schepers (hereafter "Respondent"), which came to be heard on July 29, 2010, at the Indiana Department of Insurance, 311 West Washington St., Indianapolis, Indiana 46204.

The Enforcement Division of the Indiana Department of Insurance ("Department") was represented by counsel, Nikolas P. Mann. Respondent appeared in person and without legal counsel. Witnesses testified under oath, evidence was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the Administrative Law Judge now makes the following Findings of Fact, Conclusions of Law, and issues his Recommended Order.

## **FINDINGS OF FACT**

1. Respondent submitted an application for an Indiana insurance producer license on March 18, 2010, and his application was approved the same day. Transcript at p. 21.

2. Respondent's license application contained two incorrect, misleading, or materially untrue responses to questions asked, and Respondent's license was granted based on those responses. Transcript at pp. 21 and 48 and Exhibits A, B, C, D and U.

3. Respondent's license application contained the following question: "Have you ever been convicted of a crime... or are you currently charged with a crime?" The term "crime" was specifically and clearly defined on the application as including misdemeanors, felonies, and military offenses. Exhibit A.

4. Respondent indicated "no" on the aforementioned question when he should have indicated "yes". Exhibits A, B, C, and D.

5. On May 27, 2007, Respondent was charged in Dubois County Superior Court with possession of stolen property, a Class D Felony. On August 27, 2007, Respondent entered a plea of guilty to, and was convicted of, the lesser included offense of conversion, a Class A misdemeanor. On July 4, 2008, Respondent's Indiana driver's license was suspended for his failure to comply with a Court Order to pay a fine and costs resulting from this conviction. Exhibit B and Exhibit E.

6. On December 18, 2006, Respondent was charged in Dubois County Superior Court with unlawful taking of a deer, a Class B misdemeanor. On October 11, 2007, Respondent entered a plea of guilty to, and was convicted of, unlawful taking of a deer, a Class C misdemeanor. On August 7, 2008, Respondent's Indiana driver's license

was suspended for his failure to comply with a Court Order to pay a fine and costs resulting from this conviction. Exhibit C and Exhibit E.

7. On December 20, 2007, Respondent was charged in Dubois County Superior Court with check deception, a Class A misdemeanor. That charge was still pending at the time Respondent submitted his license application. Exhibit D.

8. Respondent's license application also contained the following question: "Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?" Exhibit A.

9. Respondent indicated "no" on the aforementioned question when he should have indicated "yes." Transcript at p. 48 and Exhibits A and U.

10. Respondent owes back taxes to the State of Indiana for the 2006 tax year, and was aware of that delinquent tax obligation at the time he submitted his producer application. Transcript at p. 48 and Exhibit U.

### **CONCLUSIONS OF LAW**

1. The Commissioner of Insurance has jurisdiction over both the subject matter and the parties to this action.

2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.

3. Service of process was completed via the United States Mail in compliance with the statute and due process requirements.

4. Pursuant to Indiana Code § 27-1-15.6-12(b)(1), the Commissioner may levy a civil penalty and permanently revoke the license of any producer who provides incorrect, misleading, or materially untrue information in a license application.

5. Pursuant to Indiana Code § 27-1-15.6-12(b)(13), the Commissioner may levy a civil penalty and permanently revoke the license of any producer who obtains or attempts to obtain a license through misrepresentation.

6. Respondent has violated Indiana Code § 27-1-15.6-12(b)(1) and Indiana Code § 27-1-15.6-12(b)(13).

7. Findings of Fact that can be adopted as a Conclusion of Law are hereby incorporated herein as such.

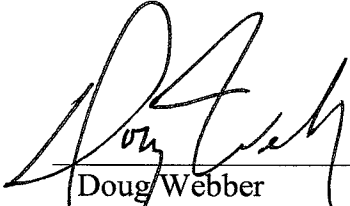
### **RECOMMENDED ORDER**

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner of Insurance the following:

1. That Respondent's Indiana Producer License should be permanently revoked.

2. Respondent should be ordered to pay a civil penalty in the amount of one thousand dollars (\$1,000.00).

ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this 4th day of October, 2010.

  
Doug Webber  
Administrative Law Judge

**Distribution:**

**Jeremy Lee Schepers**  
**860 Third Ave.**  
**Jasper, IN 47546**

**Nikolas P. Mann, Attorney**  
**Indiana Department of Insurance**  
**311 W. Washington St., Suite 300**  
**Indianapolis, IN 46204**

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